



INSIGHTS

108th Congress

January 20, 2004

*Also available on the FEMP Home Page at
www.eere.energy.gov/femp/resources/insights.html.*

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INSIGHTS is prepared expressly for the Department of Energy's Office of Federal Energy Management Programs (FEMP). The purpose of ***INSIGHTS*** is to provide FEMP management staff with timely information on legislative activities relevant to the program. ***INSIGHTS*** is prepared for FEMP by Energetics, Incorporated, (202) 479-2748.

I. WEEKLY SUMMARY

CONGRESSIONAL SCHEDULE

Congress is scheduled to begin the 2004 session of the 108th Congress on Tuesday, January 20.

HOUSE

No activity of interest to report.

SENATE

This week, the Senate plans the following activities:

- Vote on FY 2004 Omnibus Appropriations bill, *H.Rpt. 108-401*

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II. COMMITTEE ACTIVITY

HOUSE

Resignations (Two members of the House of Representatives have resigned.)

- William Janklow (R/SD), served as Vice Chair of the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs (Committee on Government Reform) and member of the Northeast-Midwest Coalition (effective January 20, 2004)
- Ernie Fletcher (R/KY), served as member of the Committee on Energy and Commerce (effective December 9, 2003)

Change in Party Affiliation

- Ralph Hall (D/TX), served as member of the Subcommittee on Energy and Air Quality (Committee on Energy and Commerce); switched to the Republican party in early January.

Committee Assignments The House Democratic Steering Committee has made the following committee assignments:

- Charlie Gonzales (D/TX), assigned to the Committee on Energy and Commerce, to fill the seat vacated by Ralph Hall (TX)
- Bart Gordon (D/TN), assigned to the position as Ranking Minority Member, Committee on Science, to fill the seat vacated by Ralph Hall (TX).

(Final approval for both committee assignments is anticipated by the House Democratic Caucus.)

Task Force for Affordable Natural Gas - On January 16, Richard Pombo (R/CA) and Billy Tauzin (R/LA), Co-Chairs of the Task Force for Affordable Natural Gas, sent a letter to Speaker of the House, Dennis Hastert (R/OH), urging quick passage of the energy bill, *H.R. 6*. The letter referred to task force findings released on September 30 recommending that the U.S. take steps to reduce impending natural gas price spikes. The recent letter was prompted by prices spiking more quickly than the task force had anticipated. The letter, stated in part:

Consumers in the Northeast and New England are being asked to conserve electricity or risk rolling blackouts because of inadequate natural gas supply capability to gas-fired electrical plants. Because of inadequacies in the distribution system, there is simply not enough transmission capacity to accommodate the demand for natural gas for heating, manufacturing and gas-fired electrical generation that is growing in the region. This limited supply and increased demand drove natural gas prices to \$74 on the spot market at the New York City gate, and have remained historically high. These prices can only hurt consumers and jobs, and may even threaten lives. Something must change.

Legislation

Refer to www.eere.energy.gov/femp/resources/initiatives.html.

Summary of Hearings

No activity of interest to report.

SENATE

H.R. 6 – Energy Policy Act of 2003 Passage of the House – Senate Conference Report, *H.R. 108-375*, is pending in the Senate. Before adjourning for the year in late 2003, the House passed the bill, however, the Senate Republican Leadership failed to identify a sufficient number of votes to end a filibuster. [Pete Domenici \(R/NM\)](#), Chairman of the Conference Committee and the Committee on Energy and Natural Resources has worked during the Congressional recess to identify additional support necessary to pass *H.R. 6*. During the past few weeks, he has hinted that he may have secured two additional Democratic votes, however, Minority Leader Tom Daschle (D/SD) has stated that no Democrats have switched positions. In addition, Senator John Ensign (R/NV) has said that he will not vote to vote for cloture, which would contribute to ending the filibuster.

Another issue that Chairman Domenici is also dealing with, involves primarily conservative Republican objections to the cost of the energy bill in its present form: \$31 billion if enacted versus the Administration's proposal for an \$8 billion bill. Much of the increase is a result of new and extended tax credits for a wide variety of industries, including energy efficient technologies, wind and other renewables, oil and gas, and nuclear energy.

In addition, the Minority Leader Tom Daschle (D/SD) has stated that he can deliver six additional votes in support of the bill if the controversial MTBE provision is dropped from the conference report. The House, led by Tom DeLay (R/TX) has indicated that the provision, which was introduced by the House, will not be removed from the conference report. The MTBE provision protects manufacturers of the vehicle fuel additive from liability; the additive is now recognized as a ground water contaminant.

Some House and Senate members (mostly Democratic) are recommending passing individual bills versus a comprehensive bill. For example, in order to deal with the rising cost of fuel due to the cold winter temperatures, Congress could pass a stand-alone electricity titles as well as other bills based on individual *H.R. 6* titles. Others speculate that there will be no bill this year, because Republicans anticipate increasing their majority in the House and Senate. The 2004 election is expected to result in the election of new Republicans due to the retirement of several Democratic Senators and Congressional redistricting in Texas, which is expected to favor the Republicans. Increasing the Republican majority in both chambers would allow the leadership to redraft the bill more to their liking.

Chairman Domenici released a statement on the passage of the bill last week. The statement said, in part:

The energy bill before the Senate includes several long-term remedies that would help the chronic power problems that plague the Northeast. We increase production of natural gas, preventing price spikes and shortages like we are seeing now. We mandate electricity reliability standards that would have prevented the kind of blackout that paralyzed the Northeast in August and is a looming fear right now.

We diversify our nation's energy supply, so regions like the Northeast aren't so dependent on gas and oil for their heat and electricity. We increase production of nuclear power, clean coal, wind, solar and geothermal energy. We provide opportunities and incentives for increased conservation of energy, including tax breaks for home owners who do more to conserve energy and manufacturers who produce more energy-efficient appliances.

...We can make a difference for decades to come if we pass this energy bill. I urge my colleagues to end the pointless politicking and filibustering on this bill and move to a vote on final passage.

No schedule for advancing the bill in the Senate has been announced.

Refer to www.eere.energy.gov/femp/resources/initiatives.html – Legislative Databases for more information on pending energy-related legislation.

Legislation

- Refer to www.eere.energy.gov/femp/resources/initiatives.html.

Summary of Hearings

No activity of interest to report.

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STATUS OF FY 2004 APPROPRIATIONS

FY 2004 Appropriations On Tuesday, January 19, the Senate is expected to vote on the Conference Report, *H.Rpt. 108-401 – FY 2004 (Omnibus) Appropriations bill*. Before adjourning for the year, the House approved the report language, which provides \$820 million in appropriations for the seven remaining FY 2004 bills. The Senate is expected to take up the bill as a first priority upon returning this month, however, some Democratic leaders have expressed concern over certain provisions and are

expected to oppose passage of the bill in its present form. Democratic opposition centers on non-energy related provisions associated with the Departments of Agriculture and Labor. In addition, some Republican fiscal conservatives object to the bill because of the high funding levels.

The omnibus bill includes appropriations for five bills of interest to readers of the *FEMP Monthly Update*. The omnibus bill includes Federal construction and renovation project provisions for the following individual bills:

- *H.R. 2673/S. 1427 – FY 2004 Appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies*
- *H.R. 2799/S. 1585 – FY 2004 Appropriations for Commerce, Justice, State, and the Judiciary*
- *H.R. 2660/S. 1356 – FY 2004 Appropriations for Labor, Housing and Urban Development, and Education*
- *H.R. 2989/S. 1599 – FY 2004 Appropriations for Transportation, Treasury, and Independent Agencies*
- *H.R. 2861/S. 1584 – FY 2004 Appropriations for Veterans' Affairs, Housing and Urban Development, and Independent Agencies*

Pending FY 2004 appropriations bills are covered under a continuing resolution, *H.J. Res. 82*, which remains in effect through January 31, 2004.

CONFERENCE COMMITTEES/VOTES

No activities to report.

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III. STATUS OF FY 2004 APPROPRIATIONS BILLS

(In Millions)

HOUSE

SENATE

<i>Actual FY 2004 and Omnibus Funding (in billions)</i>	<i>302(b) Allocations / Approved Funding Level</i>	<i>Bill No.</i>	<i>Full Cmte. Mark Up</i>	<i>Floor Vote</i>	<i>Vote on Conf Rpt.</i>	<i>302(b) Allocations/ Approved Funding Level (New)</i>	<i>Bill No</i>	<i>Full Cmte. Mark Up</i>	<i>Floor Vote</i>	<i>Vote on Conf. Rpt.</i>
Agriculture \$16.943 ***	\$17,005	H.R. 2673	6/25	7/14	Omnibus 12/8	\$17,005	S. 1427	7/17	11/6	
Commerce \$37.8 ***	\$37,914	H.R. 2799	7/16	7/23	Omnibus 12/8	\$37,014	S. 1585	9/4		
Defense \$368 P.L. 108-86	\$368,662	H.R. 2658	6/26	7/8	9/24	\$368,662	S. 1382	7/9	7/17	9/25
Energy and Water Development \$27.33 P.L. 108-137	\$27,080	H.R. 2754	7/15	7/18	11/18	\$27,313	S. 1424	7/17	9/16	11/18
Homeland Security \$29.4 P.L. 108-90	\$28,521	H.R. 2555	6/17	6/24	9/24	\$28,521	H.R. 2555	7/10	7/24	9/24
Interior \$20.17 P.L. 108-108	\$19,627	H.R. 2691	6/25	7/17	10/30	\$19,627	S. 1391	7/10	9/23	11/3
Labor / HHS \$139.76 ***	\$138,046	H.R. 2660	6/25	7/10	Omnibus 12/8	\$137,601	S. 1356	6/26	9/10	
Military Construction \$9.316 P.L. 108-132	\$9,196	H.R. 2559	6/17	6/26	11/5	\$9,196	S. 1357	6/26	7/11	11/12
Transportation and Treasury \$27.5 ***	\$27,502	H.R. 2989	7/24	9/9	Omnibus 12/8	\$27,502	S. 1589	9/4	10/23	
VA/HUD \$91.3 ***	\$90,034	H.R. 2861	7/21	7/25	Omnibus 12/8	\$90,034	S. 1584	9/4	11/18	

*** Included in H.J. Res. 2673 – Consolidated Appropriations for FY 2004. The bill extends operation of programs at the FY 2003 funding level through January 31, 2004.

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IV. NEW LEGISLATION

(Note: Once a new bill is introduced, the Government Printing Office generally requires from several days to one week to make the bill available in print)

HOUSE

No new legislation of interest to report.

SENATE

No new legislation of interest to report.

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V. ADMINISTRATION INITIATIVES

State of the Union Address The President is scheduled to deliver his annual State of the Union Address on the evening of Tuesday, January 20.

FY 2005 Budget Request The President is scheduled to submit his FY 2005 Budget Request to Congress on Monday, February 2.

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VI. HEARINGS SCHEDULE

HOUSE – COMMITTEE ON APPROPRIATIONS

No hearings of interest to report.

HOUSE – AUTHORIZATIONS/OVERSIGHT

Date/Committee	Chair	Hearing Title/Issues	Witnesses	Time/ Location
<i>Late February/ early March –</i> Committee on Energy and Natural Resources <i>(NEW)</i>	Pete Dominici (R/NM)	<i>Hearing –</i> Rising Natural Gas Prices	TBD	TBD

SENATE – COMMITTEE ON APPROPRIATIONS

No hearings of interest to report.

SENATE – AUTHORIZATIONS/OVERSIGHT

No hearings of interest to report.

CONFERENCE COMMITTEE NEGOTIATIONS AND FLOOR VOTES

No new actions of interest to report.

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